

2022 Indiana Notary Public Update

Indiana Secretary of State's office



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Legislative Update

HEA 1255

Effective Date varies by Section

- Sections related to County Recorders starts at page 51
- Changes “And” back to “Or”. Proofs are no longer required for recording documents
- Defines Proof
- Various changes related to County Recording Provisions

Electronic Recording Requirement

- On or before July 1, 2022, a county recorder shall receive for recording, indexing, storage, archiving, access to, searching of, retrieval, and transmittal all electronic documents proper for recording. A county recorder shall also accept electronically any fee or tax that the county recorder is authorized to collect under applicable laws
- For implementation, refer to the Indiana Real Property Recording Standards

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UCC Update

- UCC Search results should only include liens with an active status unless lapsed liens are requested
- If requested, only those liens that have been lapsed 1 year or less should be included. Liens lapsed more than 1 year should not be included in a search certificate or copy request.

2. INFORMATION OPTIONS relating to UCC filings and other notices on file in the filing office that include the Debtor name identified in item 1:

2a. SEARCH RESPONSE CERTIFIED (Optional)
 Select one of the following two options: ALL (Check this box to request a response that is complete, including filings that have lapsed.) UNLAPSED

2b. COPY REQUEST CERTIFIED (Optional)
 Select one of the following two options: ALL UNLAPSED

2c. SPECIFIED COPIES ONLY CERTIFIED (Optional)

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What is a Notary?

- Indiana State Public Official
- Commissioned for an eight (8) year term
- Independently verify signatures and oaths



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Applying for a Notary Public Commission

BE SURE TO HAVE THE FOLLOWING BEFORE BEGINNING YOUR APPLICATION

- \$25,000 Surety Bond Certificate
- Signature Sample
- Indiana State Police Limited Criminal History Record (\$16.32 per search, available online).
- Employer Consent Form (if applicant resides out-of-state but is primarily employed in Indiana).

PAY NONREFUNDABLE APPLICATION FEE

COMPLETE NOTARY EDUCATION COURSE AND EXAM

NOTES ON ELIGIBILITY:

To become a Notary an individual must not be disqualified to receive a commission under IC 33-42-13, and IC 5-8-3-1. You will be asked to affirm this information in the application process, and may be required to upload a positive response document providing additional details.



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Application & Continuing Education Fees

Initial Notary Public Application - \$75

Renewal Notary Public Application - \$75

Continuing Education - \$50 (every other year)

Remote Notary Public Authorization - \$100

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Notary Bond vs. Errors and Omissions Policy

Notary Bond

- \$25,000
- Required for Application
- Protects the Public

Errors and Omissions Policy

- Undefined Amount
- Optional for Application
- Protects the Notary

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Notary Fees

- A Notary may charge a fee of \$10 per notarial act
- A Remote Notary Public may charge a fee of \$25 per Remote Notarial Act
- A Notary may charge the Federal Mileage Rate for Travel



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Notary Seals

As of September 1, 2018, a seal MUST contain the following:

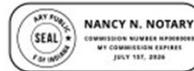
- Words “notary public”
- Words “state of Indiana”
- Word “seal”
- Name of the notary public exactly as it appears on the commission
- The words “commission number” followed by the commission number. (NPOxxxxxx)
- The words “my commission expires” followed by the expiration date



Signed: Susie Signer

State of Indiana
County of: Boone

On this 17th day of March, 2019, this record was signed before me by Susie Signer.



Nancy N. Notary
Notary Public Signature
Commissioned in _____ county.

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Notary Certificates

A notarization is not complete without a proper notarial certificate. A notary should NEVER simply stamp a document with their seal.

The notarial certificate is a written statement, signed and sealed by the notary public, certifying the facts of a notarial act. Different notarial acts require their own unique certificate wording.

Notaries public should never take it upon themselves to select or substitute a certificate on behalf of a person. However, a notary public is free to have the client review the types of certificates and allow them to choose the one they feel is correct.

Signed: Susie Signer

State of Indiana
County of: Boone

On this 17th day of March, 2019, this record was signed before me by Susie Signer.



Nancy N. Notary
Notary Public Signature
Commissioned in _____ county.

County where the act occurs

County of commissioning

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Change of Information

- **A notary MUST inform the Secretary of State's office within thirty (30) days of any change in the following information:**
 - Name
 - Mailing address
 - Email address
 - Phone number
 - Employer's name, address, or phone number
- **If the notary changes their name, they must:**
 - Provide a bond rider
 - Upload a new signature sample

Renewal notices, continuing education reminders and other important communications are sent to the notary's email address. It is imperative to maintain a current email address with the office. It is also required by law.

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Continuing Education

- Notaries Public are required to take three continuing education courses during their eight year term. The completion of continuing education will not extend the commission term or exempt a notary from applying for a renewal at the end of their term.
 - The CE due date is NOT the commission expiration date
 - If you complete CE in 2022 but are due for your 8-year renewal in 2024, your next CE due date will show as 2026. The system updates this based on the assumption you will be renewing in 2024.
- Continuing education is required to ensure that notaries stay current with the latest developments, skills, and new technologies required for their field.
- Only courses administered through the Secretary of State's office will fulfill the continuing education requirement. Failure to complete the continuing education requirement will result in the expiration of your Notary Public Commission.
- The due date for continuing education courses will be the last day of the month that your commission was originally issued every two years during your commission.

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Traditional vs. Electronic. vs. Remote

Traditional

- Hard Copy Document
- Wet Ink Signatures
- Wet Ink Seal
- In Person Meeting

Electronic

- Electronic Document
- Electronic Signatures
- Electronic Seal
- In Person Meeting

Traditional and Electronic notarizations share the same requirements for completion of a proper notarization, including the notarial certificate.

Remote

- Electronic Document
- Electronic Signatures
- Electronic Seal
- Two-Way Audio Visual Meeting on SOS Approved Platform
- Notarial Certificates require additional information not required by Traditional/Electronic notarizations

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RON vs. PRON vs. RIN

RON

- Remote Online Notarization
- Electronic documents
- Requires multi-factor authentication
- Allowed in Indiana
- Must be performed on an SOS approved Remote Technology Platform

PRON

- Paper Remote Online Notarization
- Paper documents
- Requires multifactor authentication
- NOT allowed in Indiana
- Indiana limits remote notarization to electronic documents
- Allowed in some states by statute or executive order

RIN

- Remote Ink Notarization
- Remote notarization of paper documents via (Skype, Facetime, etc.)
- NOT allowed in Indiana
- Allowed in some states by statute or executive order

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RON vs. PRON vs. RIN

American Land Title has nice summary of these concepts at:

https://www.alta.org/media/pdf/advocacy/alt_a-notarization-types-and-terminology.pdf

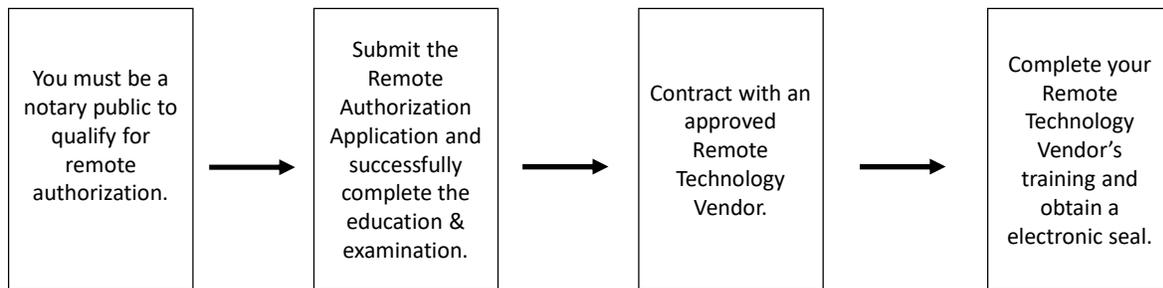
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Remote Ink Notarization Details

- Remote Ink-signed notarizations (RIN) occur when the person signing the document and the notary are not in the same place or connected on an approved remote notary platform.
- The signer has the physical document, the notary examines the government-issued identification through audio-visual technology (Facetime, Zoom, Microsoft Teams, etc), a wet signature is used on the physical document and the notary witnesses the signing, the signer sends the document to the notary via U.S. Mail or in-person drop off, and after receipt the notary affixes their seal and completes the notarial certificate.
- Some states are referring to this as Audio-Visual Notarizations and permitting the signer to fax or email the signed document to the notary.

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Becoming a Remote Notary



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Remote Notary Basics

- You must be authorized by the Indiana Secretary of State to perform remote notarizations.
- A Remote Notary Authorization is active until the commission expiration date.
 - You must reapply for a remote notary authorization after you have renewed your commission.
- You will not receive any separate certificate for remote notary authorization, only a congratulations email.
- You must contract with at least one Remote Technology Vendor.
 - You may contract with multiple vendors.
- Remote notarizations may ONLY be conducted through an approved technology vendor and their platform.
 - A list of approved vendors is available through INBiz.
- A notary public must be within the state boundaries of Indiana when performing a remote notarization.
 - The principal (signer) may be located outside of Indiana.

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Electronic Journal

- Notaries required to keep an electronic journal of all remote notarizations.
 - The journals must be in the exclusive control of the remote notary.
- The notary must prevent unauthorized access to the electronic journal.
 - Access to the journal must be password protected and stored securely.
- The journal must allow for copying and inspection upon request and the ability to print tangible records.
- The remote notary may not remove or destroy items from the electronic journal.
- The electronic journal must be maintained for at least 10 years.

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Remote Notarization Certificate

SAMPLE CERTIFICATE FOR REMOTE NOTARIZATION

State of Indiana
 City of Indianapolis
 County of Marion

I certify that the attached or associated electronic record entitled Example Document and dated July 1, 2022 was signed by the principal Susie Signer who was located in this city Indianapolis, county Marion, state or province Indiana, and country United States and who appeared by audio visual communication on this date, and notarized by me, the remote notary public, on this Date July 1, 2022 in this city and county Indianapolis, Indiana.

 Official Seal
 Nancy N Notary
 Notary Public – State of Indiana
 Commission Number NP0XXXXXX
 My Commission Expires March 30, 2022

Nancy N. Notary
 Remote Notary Public
 Commissioned in Howard County
Nancy N. Notary
 Date notary public commission expires
March 30, 2022

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Remote Technology Vendors

- Approved vendors must adhere to state requirements for their platform.
- Vendors determine who they wish to work with
 - Some vendors will only work with title agencies.
- Vendors will differ on the items/supplies they provide.
 - Some vendors provide an electronic seal, others require the notary to provide one.
 - Some vendors may require the notary to obtain a “digital certificate”.
- Vendors charge different fees.
 - Onboarding fees may be applicable.
 - Charges per notarization may be applicable.
- Vendors will differ on whether they offer an electronic journal through their platform.
 - If they do not, it is notaries responsibility to maintain the electronic journal themselves.

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Prohibited Acts

A notary public shall not:

- Use a name other than that by which the notary was commissioned
- Acknowledge an instrument in which the notary’s name appears as a party
- Take the acknowledgement or administer the oath to anyone who the notary KNOWS has been adjudged mentally incompetent and is under the guardianship of another
- Take the acknowledgment of a person who doesn’t speak English unless the nature and effect of the document is translated into a language the person understands
- Acknowledge an affidavit unless the person acknowledges the truth of the statements or acknowledge an instrument unless the person who executed the instrument signs it before the notary or affirms that the signature is their own
- Affix his or her name to a blank document
- Post date or antedate any document
- Prepare or fill in blanks in a legal document
- Notarizing documents for themselves, their spouse, or any party that may directly benefit the notary or their spouse.

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Notarizing in Special Circumstances

- A notary must decide that the signer is aware of what they are signing
- A notary should not authenticate a signature or take the acknowledgment of a person who is incoherent, disoriented, intoxicated or incapacitated
- A notary is not expected to explain the details or ramifications of documents to people before they sign
- Notaries must decide for themselves if they are comfortable notarizing the signature of
 - Minor children
 - Persons who are blind or deaf
 - Persons who are mentally incapacitated or illiterate
 - Persons who are seriously ill or dying

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Fraudulent Advertising

- Notario publico deception is fraudulent advertising or misrepresentation by a notary
 - This does not apply to notaries who are attorneys admitted to practice law in Indiana
- It is illegal for a notary to advertise without including the following disclosure:
 - “I am not an attorney licensed to practice law in Indiana and I may not give legal advice or accept fees for legal advice.”
- If the disclosure is made in written advertisements, it must appear in a conspicuous size. If the disclosure is made in a spoken ad, it must be spoken at a normal volume and speed
 - For written ads, this includes business cards and letterhead

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Revocation of a Notary Commission

- The Secretary of State's office may investigate any violation of the prohibited acts or notario publico deception and revoke the commission of a notary public
 - If the Secretary of State revokes a notary's commission for violation of a prohibited act, the notary may not reapply for 5 years
 - If the Secretary revokes a commission based on notario publico deception, the notary may never reapply
- If a notary violates a prohibited act, a judge may revoke the notary's commission
- If a notary is convicted of notario publico deception, the judge shall permanently revoke the commission

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Employees as Notaries

- A notary is not required to provide notary services to the general public. However, a notary may agree to provide notarial services as a matter of employment.
- A notary must exercise independent judgment and authority. The notary is still personally responsible for their actions
- If the employer-employee relationship is terminated:
 - The seal is the property of the notary public and must remain with the notary public.
 - If an employer paid for an employee's surety bond the employer may cancel the employees' surety bond. The notary bears the responsibility to obtain a new surety bond

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Notaries Public Resource Page

IN.gov IN BIZ
Start a Business
Manage Business
Registrations
Certification
About

Licensing
Notaries Public
Real Estate Broker License Transfer
Permits

LOG IN
Login Help

INBIZ Notaries

Notaries Public

A Notary Public is an individual commissioned by the State of Indiana to serve as an impartial witness and fraud deterrent for legally significant documents such as wills, property deeds, marriage licenses and adoption papers. Notaries defer fraud by verifying individuals' identity and ensuring that all parties understand the contents of the documents they sign.

Think you're interested in pursuing or renewing a notary commission? Read on for requirements, filing fees and more information about the application process.

Become A Notary
Renew Your Notary Commission



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Notaries Public Resource Page

- Change of Information
- Notary Requirements
- Notary Fees
- Education
- Remote Notary
- Notary Guide, Resources & FAQs

NOTARY GUIDE

The Secretary of State's office has prepared a comprehensive guide to assist individuals pursuing or renewing a notary commission. Check the guide for information on topics including:

- Bond requirements
- Disciplinary action
- Payment information
- Prohibited notarial acts
- Allowable notarial acts

[VIEW NOTARY GUIDE >>](#)

NOTARY RESOURCES

Whether you're a seasoned veteran or a first-time applicant, keep track of all your notary resources and requirements.

GET A COPY
Obtain a copy of your notary public commission certificate by adding your commission to your INBiz account and selecting "Edit License" from the dashboard.

[CREATE INBIZ ACCOUNT >>](#)
[ADD/UPDATE COMMISSION >>](#)

- **Change of Information:** Used to change/update your commission information
- **Notary Requirements:** A list of requirements each notary must meet and maintain for an active commission
- **Notary Fees:** A breakdown of all required fees for a commission
- **Education:** Information regarding initial education and continuing education
- **Remote Notary:** Information for notaries interested in remote notary authorization and a list of approved vendors
- **Notary Guide, Resources & FAQs:** Link to Notary Guide, obtain copy of certificate, submit a complaint

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Contact Information & Resources

Notary Technical Assistance Contact Information

inbiz@sos.in.gov

317-234-9768

Notary Guide

<https://inbiz.in.gov/Assets/NotaryGuide.pdf>

Apply/Manage your Notary

<https://inbiz.in.gov/certification/notary>

Verify A Notary Public's Status

<https://mylicense.in.gov/EVerification/Search.aspx>